

**REMARKS**

Claims 1 - 14 are currently pending in the application. No claims have been amended or canceled. Accordingly, claims 1 - 14 are presented for reconsideration and reexamination in view of the following remarks.

In the outstanding Office Action, claims 1, 2, 6, 7, 10, and 11 were rejected under 35 U.S.C. § 102(a) as being clearly anticipated by U.S. Patent No. 6,088,717 to Reed et al.; and claims 3 - 5, 8, 9, and 12 - 14 were allowed.

By this Response, the prior art rejection is traversed. Arguments in support thereof are provided.

**Rejection under 35 U.S.C. § 102(a)**

The Examiner rejected claims 1, 2, 6, 7, 10, and 11 as being clearly anticipated by Reed et al.

**Response**

Reconsideration and withdrawal of the rejection is respectfully requested.

For a reference to anticipate an invention, all of the elements of the claimed invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants submit that Reed et al. fails to disclose each and every element of the claims.

In the present invention, a user can decrypt encrypted recorded contents for a predetermined period of time. See Field of the Invention. As per claims 1 and 10, the specific features recited in the claims realize an apparatus and method capable of reproducing contents recorded on a recording medium only when conditions with respect to a specific date/time are satisfied or a period from the entered recording date/time to the recorded recording date/time is not longer than a predetermined time.

More specifically, the features according to independent claim 1 resides particularly in “encrypting means for encrypting the contents based on the generated key information” based at least on contents reproduction permission information and “recording means for recording the encrypted contents and recording date/time information...acquired by said date/time information acquiring means...” The features according to independent claim 10 reside particularly in the method associated with the apparatus of claim 1.

Reed et al. discloses a computer-based communication system and method using metadata defining a control-structure. The system in Reed et al. allows providers and consumers to quickly and easily establish an automated communications relationship. See column 7, line 59 to column 8, line 3.

The Examiner stated in the Office Action that date/time information acquiring means is disclosed in Reed et al., at column 34, lines 42-45.

In this respect, an ACK (Acknowledgement) signal indicating proper transmission and reception of data or improper transmission and reception of data and/or reception condition is

generally transmitted from a data receiving side to a data transmitting side. See Figure 3. It is understood that values such as AckDateTime Value which is set in Acknowledgement association (121, Figure 3) in Reed et al. are used as an Ack signal. AckDate Time for setting Date/Time is disclosed as such a value. See column 34, lines 25 - 54. Date and time data may be acquired in Reed et al., but it is not a main feature of the present invention.

Further, the Examiner stated in the Office Action that contents reproduction permission information generating means is disclosed in Reed et al., at column 26, lines 28-33.

The portion in Reed et al. referred to by the Examiner teaches "access permission," which is different from "reproduction permission" of the present invention. In the present invention, the contents reproduction permission information indicates the permission of the encrypted contents, based on the stored transmission date/time information; the reproduction date/time information acquired by the date/time information acquisition unit 11, and the reproduction permission limit information T of the encrypted contents. See Specification at page 12, paragraph beginning on line 25.

Furthermore, the Examiner stated in the Office Action that key information generating means and encrypting means are disclosed in Reed et al., column 26, lines 18-33.

The portion in Reed et al. referred to by the Examiner teaches that System ID may include a value such as a password, encryption key, or any similar value. Reed et al. teach that the encryption key is used only for authentication. Also taught is that program licensing, access permissions, and other purposes may be set as system ID category objects.

It seems that the Examiner assumes that the contents reproduction permission information of the present invention corresponds to "access permission" and "license" in Reed et al. The reference, however, fails to teach or suggest the key information generating means for generating key information based on the contents reproduction permission information as in independent claims 1 and 10. The "access permission" and "license" in Reed et al. is data used in parallel for specifying a user himself/herself and/or jurisdiction (a range accessible to data). The reference also fails to teach or suggest encrypting means for encrypting the contents based on the generated key information. As described above, the encryption key in Reed et al. is used only for authentication.

Further, the Examiner stated in the Office Action that recording means is disclosed in Reed et al., at column 41, lines 55-60.

The portion in Reed et al. referred to by the Examiner teaches that a program process obtains log data such as a recording date/time of event. However, the reference does not teach or suggest recording means for recording the encrypted contents date/time information in a recording medium, the recording date/time information being acquired by the date/time information acquiring means and being information on a date/time that is between a moment the contents are entered and a moment the contents are recorded.

In view of the above, Reed et al. fails to teach or suggest all of the specific features of independent claims 1 and 10.

Additionally, the recording apparatus defined by claim 1 and the transmission method defined by claim 10 have the following particular effects.

A recording medium can record thereon contents encrypted based on key information generated based at least on contents reproduction permission information indicating that the contents may be reproduced, and either recording date/time information on a date/time at which recording operation on the encrypted contents was performed or preset recording date/time information.

Also, when the recording medium is played back by a contents reproducing apparatus, the encrypted contents can be properly decrypted to be reproduced only when information with respect to a reproduction date/time and information with respect to a recording date/time satisfies a specific condition and a key information can be generated based at least on the reproduction permission information.

Next, as per independent claims 2 and 11, the feature of the apparatus claims resides in that “contents encrypted based on key information generated based at least on contents reproduction permission information indicating that the contents may be reproduced;” and “either recording date/time information on a date/time at which recording operation on the encrypted contents was performed or preset recording date/time information” are recorded on a recording medium or transmitted on a transmission medium.

In contrast, as discussed above, Reed et al. fails to teach or suggest generating key information for encrypting contents based on the contents reproduction permission information. Reed et al. also fails to teach or suggest recording the encrypted contents and recording date/time information on a date/time at which recording operation on the encrypted contents was performed or preset recording date/time information.

In view of the above, Reed et al. fails to teach or suggest the specific features of independent claims 2 and 11.

Additionally, the recording medium defined by claim 2 and the transmission medium defined by claim 11 have the similar effects as independent claims 1 and 10.

Next, as per independent claim 6, the feature of the claim resides particularly in “key information generating means for generating key-information generating information and for generating key information from the key-information generating information;” “encrypting means for encrypting contents based on key information generated from the key-information generating information;” “recording means for recording...the encrypted contents and recording date/time information that is acquired by said date/time information acquiring means...” and “retaining means for retaining the recording date/time information and the key-information generating information...” associated therebetween.

In contrast, Reed et al. fails to teach or suggest the key information generating means, the encrypting means and the recording means as discussed above with respect to independent claims 1, 2, 10 and 11.

In particular, Reed et al. fails to teach or suggest the retaining means for retaining the recording date/time information and the key-information generating information associated therebetween. The following particular effects are obtained by this retaining means.

Specifically, with the recording date/time information and the key-information generating information retained therebetween, upon reproducing the encrypted contents, the reproduction apparatus obtains the key-information generating information associated with the recording date/

time information only when a reproduction date/time and a recording date/time satisfy a specific condition; generates key information required for decryption; decrypts the encrypted contents based on the key information; and reproduces the contents.

Further, the key-information generating information is varied according to the recording date/time information that changes as time passes, by retaining the recording date/time information and the key-information generating information associated therebetween. Accordingly, one content can be encrypted using different encryption key according to the recording date/time of the one content. See, for example, the Third Embodiment of the present invention.

Next, as per dependent claim 7, the feature of the claim resides further in comparing means for comparing the retained recording date/time information and current date/time information, and controlling means for erasing or changing the retained recording date/time information and the key-information generating information according to a comparison result of the comparing means, in addition to the features of claim 6.

In contrast, Reed et al. teaches or suggests neither the date/time information comparing means nor the controlling means for erasing or changing the retained recording date/time information and the key-information generating information according to the comparison result.

Additionally, the recording apparatus defined by claim 7 has the following particular effects.

When a reproduction apparatus obtains the result that a reproduction date/time and a recording date/time satisfy a specific condition; obtains a key-information generating information associated with the recording date/time information; generates key information required for decryption; decrypts the encrypted contents based on the key information; and thus tries to

reproduce the contents, the apparatus cannot generate proper key information if the controlling means has erased or changed the key-information generating information required for decryption. See, for example, the Second Embodiment of the present invention.

Accordingly, the reproduction apparatus cannot reproduce contents dependent upon the relation between the retained recording date/time information and the current date/time information, e.g. the difference between the recording date/time and the current date/time, because the key-information generating information is erased or changed according to the comparison between the retained recording date/time information and the current date/time information. See, for example, the Second Embodiment of the present invention.

From the foregoing descriptions, Applicants respectfully submit that claims 1, 2, 6, 7, 10 and 11 are not anticipated by Reed et al. but instead have remarkable and unanticipated effects and thus should also be allowed.

It is respectfully submitted that Reed et al. fails to disclose each and every element of the independent claims, specifically, the contents reproduction permission information generating means, the key information generating means, the encrypting means, and the recording means.

Therefore, Applicants request that the rejection of claims under 35 U.S.C. § 102(a) be withdrawn.



**Allowable Subject Matter**

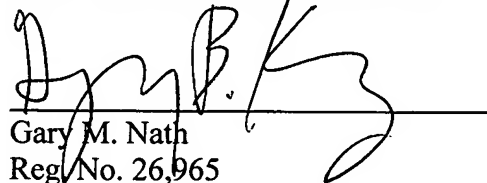
Claims 3 - 5, 8, 9, and 12 -14 were deemed to be allowable over the prior art of record.

**CONCLUSION**

In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application. Favorable action with an early allowance of the claims is earnestly solicited.

Respectfully submitted,

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